



**City of Bellevue  
Development Services Department  
Land Use Staff Report**

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**Proposal Name:** Mendez Guest Cottage and Garage

**Proposal Address:** 110 W Lake Sammamish Pkwy NE

**Proposal Description:** Critical Areas Land Use Permit to allow construction of a guest cottage with a garage totaling 2,465 square feet (with an 1,813 square-foot footprint) within the steep slope critical area structure setback. The proposal is to modify said setback to zero from 75-feet. The proposals is supported by geotechnical analysis.

**File Number:** 21-122337-LO

**Applicant:** Brett Grinkmeyer  
Coates Design

**Decisions Included:** Critical Areas Land Use Permit  
(Process II. LUC 20.30P)

**Planner:** Leticia Wallgren

**State Environmental Policy Act  
Threshold Determination:** **Exempt**

**Director's Decision:** **Approval with Conditions**

*Reilly Pittman*  
*Planning Manager*  
For Elizabeth Stead, Land Use Director  
Development Services Department

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Application Date: October 20, 2021  
Notice of Application Publication Date: December 30, 2021  
Decision Publication Date: February 16, 2023  
Project Appeal Deadline: March 2, 2023

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For information on how to appeal a proposal, visit Development Services Center at City Hall or call (425) 452-6800. Appeal of the Decision must be received in the City's Clerk's Office by 5 PM on the date noted for appeal of the decision.

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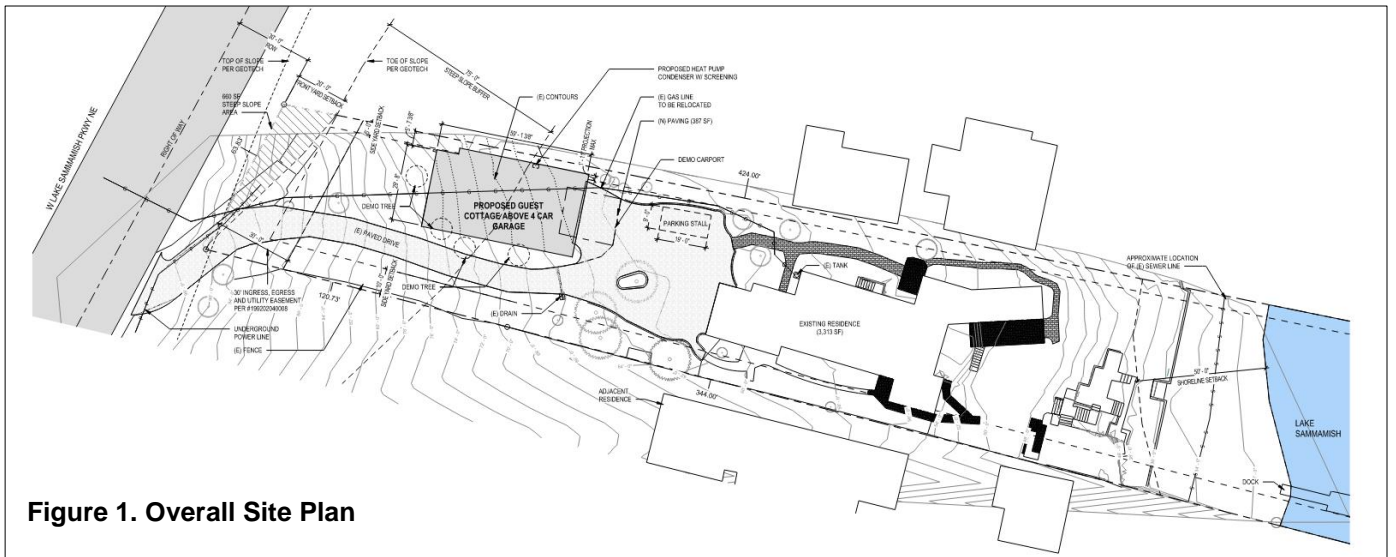
### **Documents Referenced in File**

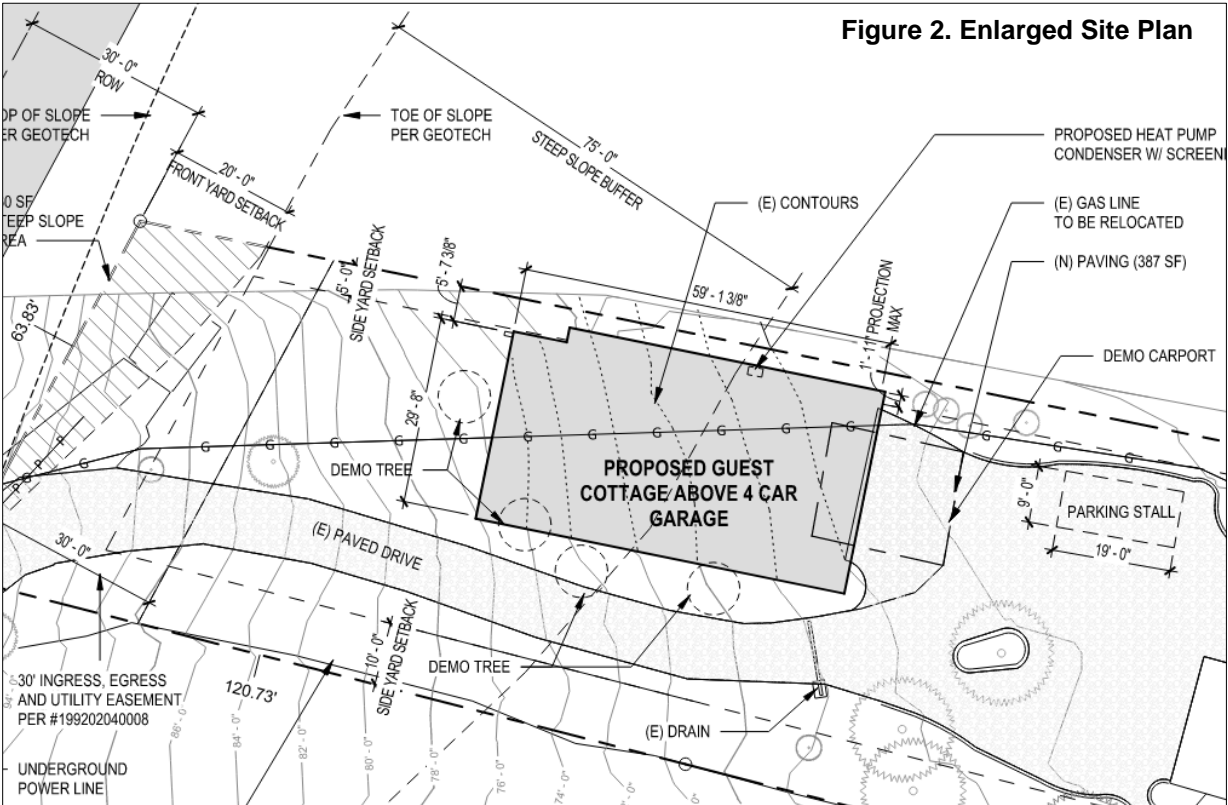
1. Site Plan (Attached)
2. Geotechnical Engineering Study dated May 19, 2021 (in file)
3. Geotechnical Engineering Addendum (Addressing Critical Areas and Mitigation Criteria dated September 29, 2022 (in file)

## I. Proposal Description

The applicant proposes to construct a new detached structure to include a guest cottage and a garage with a total building area of 2,465 sf; the proposed structure will have an approximate 1,800 sf footprint including a finished grade second floor patio. The new structure is proposed to be two stories with the guest cottage located on the second floor and the garage on the first, slightly below grade. The site has a steep slope on the western portion of the lot adjacent to Lake Sammamish Pkwy. This slope is located mostly off-site with a small portion extending onto the site. The project location is largely within the 75-foot toe-of-slope structure setback of the slope on the northwestern portion of the property. The applicant proposes to reduce the 75-foot toe-of-slope structure setback to zero (0) feet as stated in the Geotech Report, however, the portion of the structure closest to the toe-of-slope is 43-feet which is a reduction of 32-feet of the total toe-of-slope structure setback.

Proposals to reduce a critical areas steep slope structure setback are required to receive approval through a Critical Areas Land Use Permit (CALUP) with a Critical Areas Report. See **Figure 1** for overall site plan. See **Figure 2** for enlarged site plan. See **Figure 3** for architectural rendering.





**Figure 3. Architectural Rendering**



## II. Site Description, Zoning, Land Use and Critical Areas

### A. Site Description

The project site is located at 110 W Lake Sammamish Parkway NE (parcel 3625059114) in the West Lake Sammamish neighborhood. The subject property is a 25,700 square foot (.59 acres) rectangular-shaped lot measuring about 65 feet in the north-south direction and about 400 feet in the east-west direction. The site borders W Lake Sammamish Parkway to the west and single-family residences to the north and south; Lake Sammamish is east. The property is situated on an east facing slope and is occupied by a single-story single-family house, generally situated on a flat “bench” in the middle of the property. The western portion of the property is largely undeveloped and heavily vegetated with mature trees; the project area contains four trees proposed to be removed. There is an above ground deck on the easternmost portion of the house. A detached shed is located east of the existing house near the shoreline along with a wood deck and a hot-tub. The shoreline is vegetated with shrubs, groundcover, and small trees. The house is accessed by a paved driveway from W Lake Sammamish Parkway; no changes are proposed to the access itself, however one uncovered parking stall will be added in the immediate vicinity of the new structure. See **Figure 4** for existing site conditions.



### B. Zoning, Subarea, and Comprehensive Plan

The subject property is zoned Single-Family Residential (R-2.5). The property is surrounded by single-family parcels as follows:

North: R-2.5

East: Shoreline

South: R-2.5

West: R-5



Geologic hazards pose a threat to the health and safety of citizens when commercial, residential, or industrial development is inappropriately sited in areas of significant hazard. Some geologic hazards can be reduced or mitigated by engineering, design, or modified construction practices. When technology cannot reduce risks to

acceptable levels, building in geologically hazardous areas is best avoided (WAC 365-190).

Steep slopes may serve several other functions and possess other values for the City and its residents. Several of Bellevue's remaining large blocks of forest are located in steep slope areas, providing habitat for a variety of wildlife species and important linkages between habitat areas in the City. These steep slope areas also act as conduits for groundwater, which drains from hillsides to provides a water source for the City's wetlands and stream systems. Vegetated steep slopes also provide a visual amenity in the City, providing a "green" backdrop for urbanized areas enhancing property values and buffering urban development.

### **III. Consistency with Land Use Code Requirements:**

#### **A. General Development Requirements – 20.20.010**

Construction of detached structures are allowed within the R-2.5 single-family zoning district subject to the general development requirements set forth in LUC 20.20.010. The concept site plan provided by the applicant reflects 18% structural lot coverage and 44% all impervious. As proposed, the project complies with the general dimensional requirements of LUC 20.20.010. Conformance with all zoning requirements will be verified as part of the required Building Permit and/or Clear and Grade review. The applicant shall submit a guest cottage registration form prior to building permit approval; this form shall be completed and recorded with King County prior to gaining approval on the building permit. **See Section X for Conditions of Approval related to required Clearing and Grading and Building Permits.**

#### **B. Critical Areas Requirements LUC 20.25H**

The City of Bellevue Land Use Code Critical Areas Overlay District (LUC 20.25H) establishes performance standards and procedures that apply to development on any site which contains in whole or in part any portion designated as critical area, critical area buffer or structure setback from a critical area or buffer. There are no modifications to critical areas, or critical area buffers proposed. The project proposes to reduce a 75-foot toe-of-slope structure setback which is not subject to performance standards in LUC 20.25H. The proposed impact to the toe-of-slope setback is made through a critical areas report. Per LUC 20.25H.230 the applicant must show that the site ecological function is degraded, and that the proposal will result in improvement of the ecological functions on the site.

Conceptual mitigation planting has been proposed to ensure ecological function of the site is equivalent to the function that existed prior to construction of the proposed improvements. Final details of this plan are to be determined as part of the future building permit. In order to approve this application, the standards for this planting plan are discussed to ensure compliance with the code requirements for critical areas reports and mitigation. Mitigation planting is required that replaces trees and native vegetation removed by the proposal and will be provided by submittal of a mitigation plan under the building permit. At minimum the proposed structure impacts approximately 1,000 square feet of the 75-foot structure and

removes 4 trees in the setback. Proposed replanting shall include at least four trees and plant an area that is determined to be functionally equivalent, as determined by an expert qualified in ecological functions. If no expert review is provided then the planting plan must provide a mitigation area at least 1,000 square feet that includes replanting of at least four trees and provide sufficient native vegetation to cover 1,000 square feet, consistent with the City's Critical Area Handbook. This will achieve a 1:1 mitigation ratio. **See Section X for Condition of Approval related to mitigation planting.**

#### **IV. Public Notice and Comment**

Application Date:	October 20, 2021
Public Notice (500 feet):	December 30, 2021
Minimum Comment Period:	January 13, 2022

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on December 30, 2021, and it was mailed to property owners within 500 feet of the project site. No comments have been received from the public as of the writing of this staff report.

#### **V. Summary of Technical Reviews**

##### **Clearing and Grading:**

The Clearing and Grading Division of the Development Services Department has reviewed the proposed development for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff found no issues with the proposed development. Due to the proximity to steep slopes, site development is restricted during the rainy season to avoid risk of impacts to the steep slope critical areas. Geotechnical inspection conducted by the project engineer will be required to occur. **See Section X for Condition of Approval related to rainy season restrictions and geotechnical review.**

##### **Utilities:**

The Utilities Division of the Development Services Department has reviewed the proposed development for compliance with Utilities codes and standards. The Utilities staff found no issues with the proposed development.

#### **VI. State Environmental Policy Act (SEPA)**

Pursuant to WAC 197-11-800 and BCC 22.02.032.D, improvements to a single-family residential use are SEPA exempt.

#### **VII. Changes to Proposal as a Result of City Review**

Changes requested by the City during the review of this proposal included a request for



the applicant to respond to applicable code criteria within the Critical Areas Report.

## **VIII. Decision Criteria**

The proposal, as conditioned below, meets the applicable regulations and decision criteria.

### **A. 20.25H.255.A Critical Areas Report Decision Criteria**

The Director may approve, or approve with modifications, the proposed modification where the applicant demonstrates:

- 1. The modifications and performance standards included in the proposal lead to levels of protection of critical area functions and values at least as protective as application of the regulations and standards of this code;**

Finding: The geotechnical analysis dated September 29, 2022 contains recommendations to mitigate both the temporary and long term impacts of the disturbance to the toe-of-slope. The recommendations state that vegetation should be left undisturbed where disturbance is not necessary for construction. Existing bare and disturbed soil areas should be planted immediately with deep rooted plants and native conifers to reduce erosion potential. All graded slopes and exposed areas should be planted as soon as possible after grading is complete. The report states that the proposed improvements will mitigate the site geologic hazards and improve the existing stability of the site; there still remains sufficient opportunity to demonstrate that the proposal has met or exceeded existing ecological function in addition to slope stability. This will need to be demonstrated within the final landscaping plan. At minimum, impact and function shall be mitigated/replaced at a one-to-one ratio. Plan specifics are yet unresolved at the issuance of this permit due to a request from the landowner to expedite the review. A condition of approval will require the plan specifics to be reviewed under the building permit. **See Section X for Condition of Approval related to mitigation planting.**

- 2. Adequate resources to ensure completion of any required mitigation and monitoring efforts;**

Finding: The mitigation planting plan shall include a five-year monitoring program to ensure successful installation. A cost estimate is required to be submitted under the building permit for the cost of installation and five years of maintenance and monitoring. A maintenance surety will be required at 100 percent of the cost of plants, materials, and labor. **See Mitigation and Monitoring Related Condition of Approval in Section X of this report.**

- 3. The modifications and performance standards included in the proposal are not detrimental to the functions and values of critical area and critical area buffers off-site;**

Finding: As discussed in criterion #1 of this section, the geotechnical report states that the proposed improvements will mitigate the site geologic hazards and improve the existing stability of the site; there still remains sufficient opportunity to demonstrate that the proposal has met or exceeded existing ecological function in

addition to slope stability. The mitigation planting plan submitted at the time of building permit shall mitigate and replace disturbances (including areas of temporary disturbance) at a minimum of one-to-one ratio including the replacement of the four removed trees. **See Mitigation and Monitoring Related Condition of Approval in Section X of this report.**

**4. The resulting development is compatible with other uses and development in the same land use district.**

Finding: The proposed house and associated structures and improvements are allowed uses in the R-2.5 single-family residential zone.

**C. Critical Areas Land Use Permit Decision Criteria 20.30P**

The Director may approve or approve with modifications an application for a critical areas land use permit if:

**1. The proposal obtains all other permits required by the Land Use Code;**

Finding: The applicant must obtain a Building before beginning any work. Clear and Grade Review shall take place under the building permit. **See Section X for Conditions of Approval related to required Building Permit.**

**2. The proposal utilizes to the maximum extent possible the best available construction, design and development techniques which result in the least impact on the critical area and critical area buffer;**

Finding: As discussed in VIII.A.1 above, the geotechnical analysis provided by the applicant makes recommendations for adequate mitigation for the disturbance of the toe-of-slope structure setback and the removal of four trees. Due to the applicant request for expedited review, this decision allows the plan to be reviewed at the time of building permit. The applicant will be required to submit a final landscaping plan adopting the recommendations set forth in the Critical Areas Report dated September 29, 2022. **See Section X for Conditions of Approval related to required Building Permit**

**3. The proposal incorporates the performance standards of Part 20.25H to the maximum extent applicable, and;**

Finding: As discussed in Section III of this report, the proposal meets the performance standards set forth in LUC 20.25H for work within a steep slope critical area toe-of-slope structure setback.

**4. The proposal will be served by adequate public facilities including street, fire protection, and utilities; and;**

Finding: The utilities department has reviewed the proposed development for compliance with Utilities codes and standards and approved the project.

**5. The proposal includes a mitigation or restoration plan consistent with the requirements of LUC Section 20.25H.210; and**

Finding: A mitigation plan submitted with this application is consistent with the

requirements of LUC 20.25H.210 and 20.25H.135. Plans consistent with the activities of this approval are required to be submitted under the Building Permit for review and final approval. **See Section X for Conditions of Approval related to Building Permits.**

**6. The proposal complies with other applicable requirements of this code.**

Finding: As discussed in Section III of this report, the proposal complies with all other applicable requirements of the Land Use Code. Dimensional requirements will be confirmed at the time of building permit. A guest cottage registration shall be recorded and submitted with the building permit prior to building permit approval. **See Section X for Conditions of Approval related to Guest Cottage Registration.**

**IX. Conclusion and Decision**

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, City Code and Standard compliance reviews, the Director of Land Use does hereby approve with conditions the proposal to construct a guest cottage with garage at 110 W Lake Sammamish Pkwy NE.

**Note - Expiration of Approval:** In accordance with LUC 20.30P.150 a Critical Areas Land Use Permit automatically expires and is void if the applicant fails to file for a Building Permit or other necessary development permits within one year of the effective date of the approval.

**X. Conditions of Approval**

**The applicant shall comply with all applicable Bellevue City Codes and Ordinances including but not limited to:**

<b>Applicable Ordinances</b>	<b>Contact Person</b>
Clearing and Grading Code- BCC 23.76	Savina Uzunow, 425-452-7860
Land Use Code- BCC 20	Leticia Wallgren, 425-452-2044
Utilities Code- BCC 24	Jeremy Rosenlund, 425-452-7863

**The following conditions are imposed under the Bellevue City Code authority referenced:**

**1. Construction Permits:**

Approval of this Critical Areas Land Use Permit does not constitute an approval of a development permit. Application for a building permit is required to be submitted and approved. Plans submitted as part of either permit application shall be consistent with the activity permitted under this approval.

Authority: Land Use Code 20.30P.140, Land Use Code 20.20.010, Clear & Grade Code 23.76.035

Reviewer: Leticia Wallgren, Development Services Department

## **2. Mitigation and Restoration Plan**

The planting plan is required to be submitted as part of the building permit application. All permanent and temporary disturbance is required to be mitigated and/or restored. The plans submitted with the building permit shall depict the extent of construction disturbance and provide restoration as discussed in section VIII.A and B of this report.

Authority: Land Use Code 20.30P.140

Reviewer: Leticia Wallgren, Development Services Department

## **3. Planting Cost Estimate**

A cost estimate is required to be submitted prior to building permit issuance for the costs to install, maintain, and monitor the planting for five years.

Authority: Land Use Code 20.30P.140

Reviewer: Leticia Wallgren, Development Services Department

## **4. Monitoring**

The planting area shall be maintained and monitored for a period of five years.

Annual monitoring reports are to be submitted to Land Use each year for the entirety of the five year monitoring period. The reports, along with a copy of the planting plan, can be sent to Leticia Wallgren at [lwallgren@bellevuewa.gov](mailto:lwallgren@bellevuewa.gov) or to the address below:

Environmental Planning Manager  
Development Services Department  
City of Bellevue  
PO Box 90012  
Bellevue, WA 98009-9012

Authority: Land Use Code 20.30P.140; 20.25H.220

Reviewer: Leticia Wallgren, Land Use

## **5. Maintenance Surety**

To ensure the restoration is successfully established, a maintenance surety is required for an amount equal to 100% of the cost estimate. The surety shall be held for a period of five years from the date of successful installation. Submittal of the surety is required prior to land use inspection under the building permit. The maintenance assurance device will be

released to the applicant upon receipt of documentation of reporting successful establishment in compliance with applicable performance standards.

Authority: Land Use Code 20.30P.140

Reviewer: Leticia Wallgren, Development Services Department

#### **6. Land Use Inspection Required**

Inspection of mitigation planting must be completed by the Land Use Planner as part of the building permit inspection process. A Land Use inspection will be added to the building permit.

Authority: Land Use Code 20.25H.210

Reviewer: Leticia Wallgren, Land Use

#### **7. Guest Cottage Agreement**

A guest cottage agreement must be recorded with King County and filed with the City of Bellevue prior to approval of the building permit.

Authority: Land Use Code 20.20.250

Reviewer: Leticia Wallgren, Development Services Department

#### **8. Geotechnical Review**

The project geotechnical engineer must review the final plans, including all foundation, retaining wall, shoring, and vault designs. A letter from the geotechnical stating that the plans conform to the recommendations in the geotechnical report and any addendums and supplements must be submitted to the clearing and grading section prior to issuance of the construction permit.

Authority: Clearing & Grading Code 23.76.050

Reviewer: Savina Uzunow, Development Services Department, Clearing & Grading Section

#### **9. Geotechnical Monitoring:**

The project geotechnical engineer of record or his representative must be on site during critical earthwork operations. The geotechnical engineer shall observe all excavations and fill areas. In addition, the engineer shall monitor the soil cuts prior to construction of rockeries and verify compaction in fill areas. The engineer must submit field report in writing

to the DSD inspector for soils verification and foundation construction. All earthwork must be in general conformance with the recommendations in the geotechnical report.

Authority: Clearing & Grading Code 23.76.160

Reviewer: Savina Uzunow, Development Services Department, Clearing & Grading Section

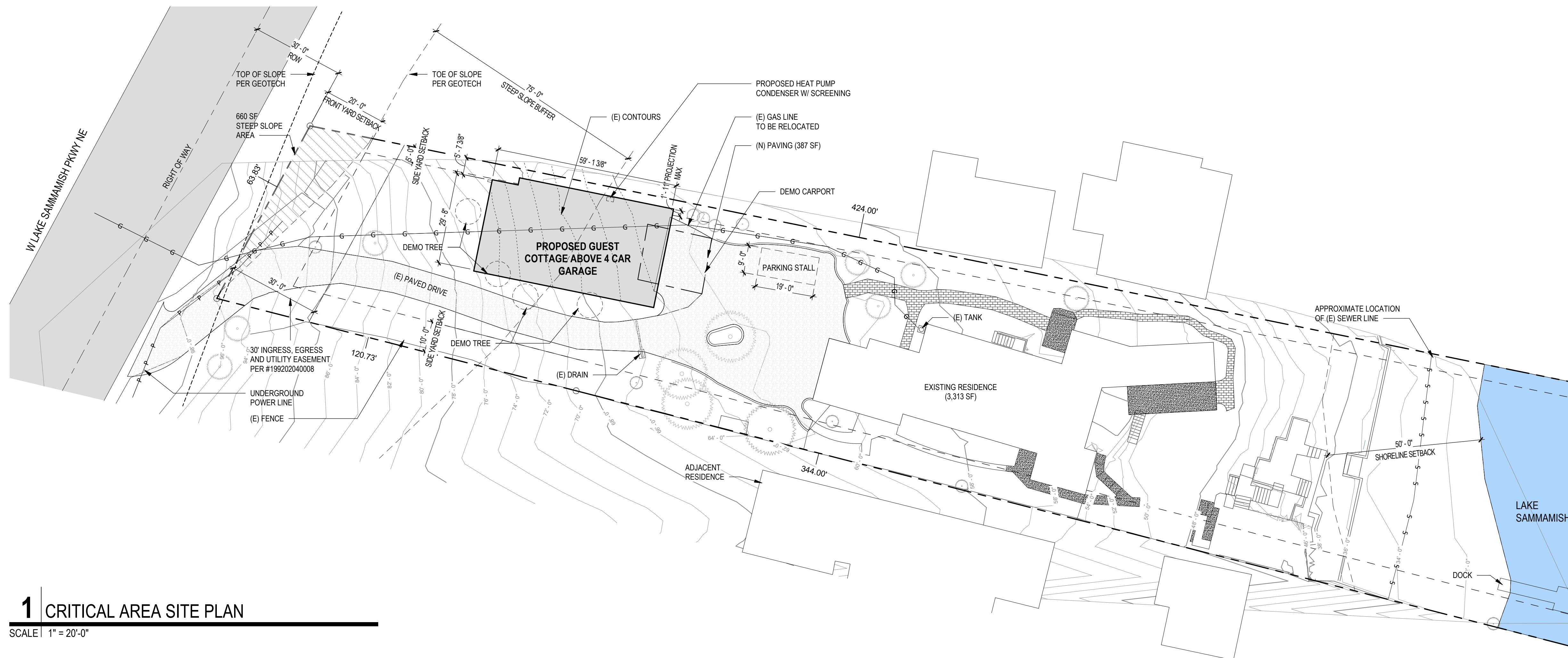
**10. Rainy Season Restrictions:**

Due to critical area proximity, no clearing and grading activity may occur during the rainy season, which is defined as October 1 through April 30 without written authorization of the Development Services Department. Should approval be granted for work during the rainy season, increased erosion and sedimentation measures, representing the best available technology must be implemented prior to beginning or resuming site work.

Authority: Bellevue City Code 23.76.093.A

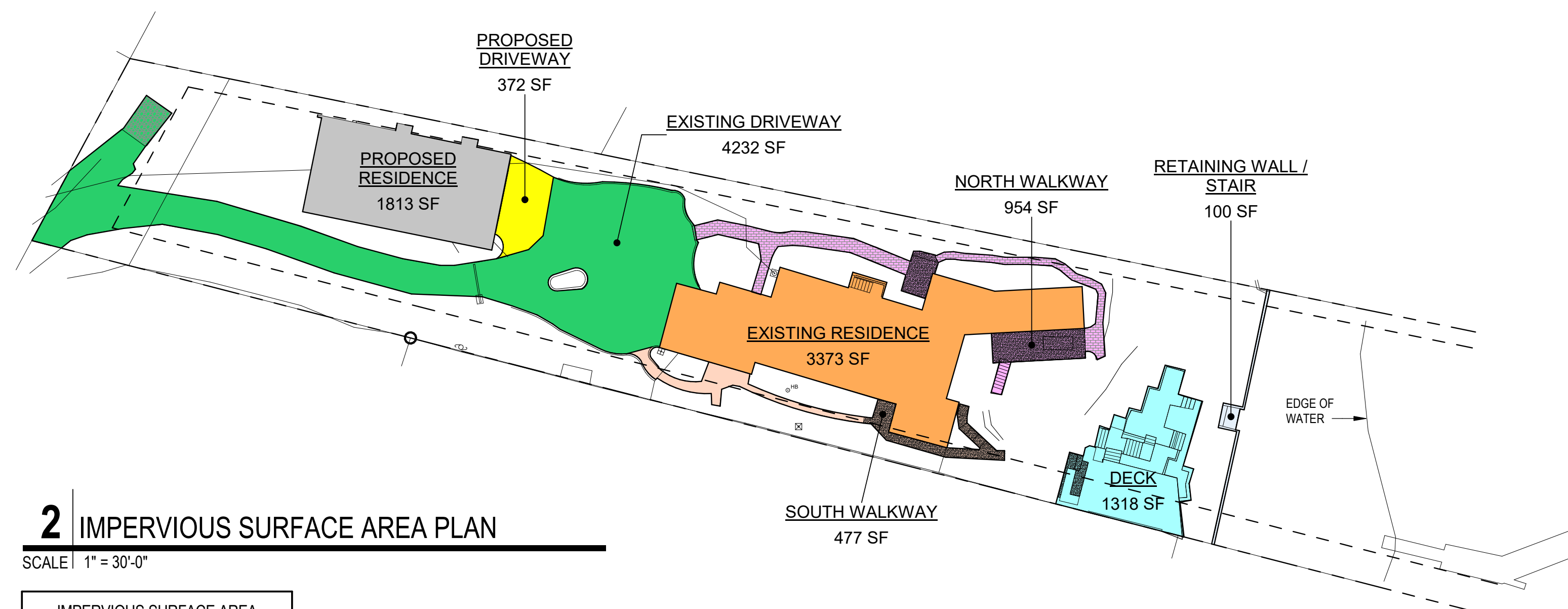
Reviewer: Savina Uzunow, Clearing and Grading





## 1 CRITICAL AREA SITE PLAN

SCALE | 1" = 20'-0"



## 2 IMPERVIOUS SURFACE AREA PLAN

SCALE | 1" = 30'-0"

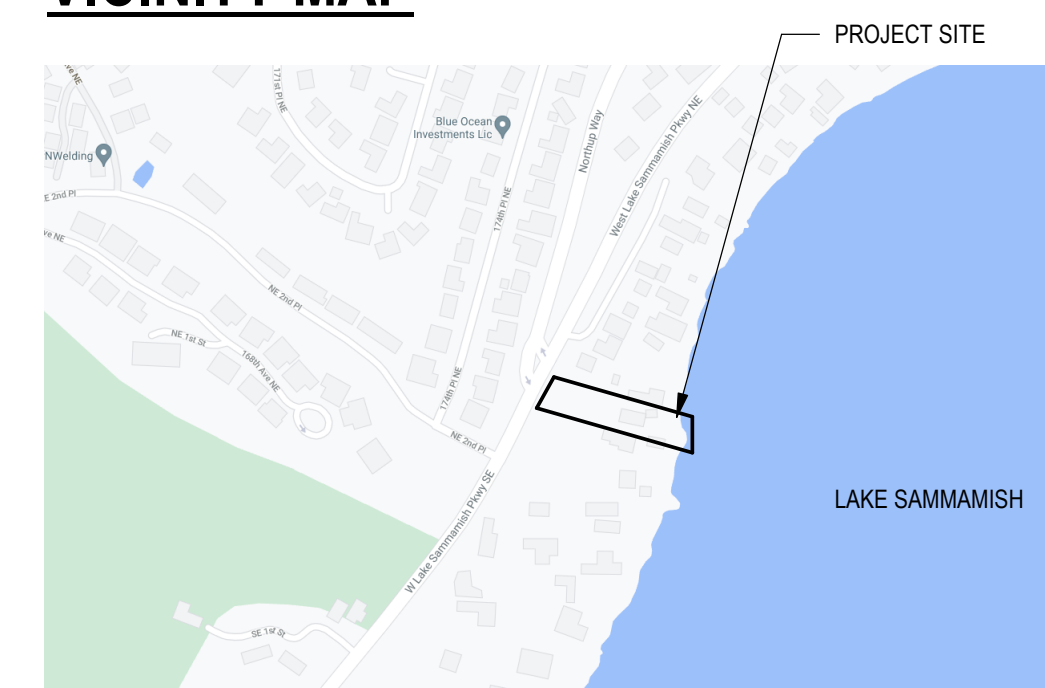
IMPERVIOUS SURFACE AREA	
Name	Area
EXISTING DRIVEWAY	4232 SF
EXISTING RESIDENCE	3373 SF
PROPOSED RESIDENCE	1813 SF
DECK	1318 SF
NORTH WALKWAY	954 SF
SOUTH WALKWAY	477 SF
PROPOSED DRIVEWAY	372 SF
HEATED	112 SF
RETAINING WALL / STAIR	100 SF
Grand total	12750 SF

$$12,750 \text{ SF (TOTAL IMPERVIOUS SURFACE)} / 29,565 \text{ SF (LOT COVERAGE PER SURVEY)} = 43.1\% < 45\%$$

**LEGAL DESCRIPTION**  
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FR TPOB TH N 77-39-00 W TO TPOB TGW SH LDS ADJ

**CONTACT INFO OF PREPARER**  
NAME: ZACHARY BRADBY  
ADDRESS: 910 WINSLOW WAY STE #210  
PHONE: (317) 294-8975

### VICINITY MAP



N

ISSUED FOR:

DATE \_\_\_\_\_

## DESIGN DEVELOPMENT

10.18.2021

NOT FOR  
CONSTRUCTION

**MENDEZ GUEST  
COTTAGE**

110 WEST LAKE  
SAMMAMISH PKWY NE  
BELLEVUE, WA 98008

## CRITICAL AREA SITE PLAN

# A1.01